

1 SEDGWICK LLP
JAMES P. DIWIK, (State Bar No. 164016)
2 *james.diwik@sedgwicklaw.com*
MARIA GIARDINA, (State Bar No. 104455)
3 *maria.giardina@sedgwicklaw.com*
ALEXANDER A. GUNEY (State Bar No. 308192)
4 *alexander.guney@sedgwicklaw.com*
333 Bush Street, 30th Floor
5 San Francisco, CA 94104-2834
Telephone: 415.781.7900
6 Facsimile: 415.781.2635

7 Attorneys for Defendant BARRY-
WEHMILLER DESIGN GROUP, INC.

8 SHARTSIS FRIESE LLP
9 JOEL ZELDIN (State Bar No. 51874)
jzeldin@sflaw.com
10 ROEY Z. RAHMIL (State Bar No. 273803)
rrahmil@sflaw.com
One Maritime Plaza, Eighteenth Floor
11 San Francisco, CA 94111-3598
12 Telephone: (415) 421-6500
Facsimile: (415) 421-2922

13 AUNE & ASSOCIATES
14 Robert E. Aune (State Bar No. 60477)
raune@auneassociates.com
15 235 Pine Street, Suite 1475
San Francisco, CA 94104
16 Telephone: (415) 433-6400
Facsimile: (415) 651-9825

17 Attorneys for Plaintiff REDWOOD HILL
18 FARM & CREAMERY, INC.

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21
22 REDWOOD HILL FARM &
CREAMERY, INC.

23 Plaintiff,

24 v.

25 BARRY-WEHMILLER DESIGN
26 GROUP, INC.,

27 Defendant.

Case No. 3:16-cv-03200-JST

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE
AND OTHER RELATED
DEADLINES**

Hon. Jon S. Tigar

1 Plaintiff Redwood Hill Farm & Creamery, Inc. ("Plaintiff") and Defendant
 2 Barry-Wehmiller Design Group, Inc. ("Defendant") (collectively, "the Parties")
 3 petition this Court for an order by stipulation pursuant to Civil Local Rules 16-2(d)
 4 and (e) and 6-2(a) to continue the Initial Case Management from September 21,
 5 2016 to November 9, 2016 and to adjust related deadlines pending the Court's ruling
 6 on Plaintiff's Motion to Remand and Defendant's Motion for More Definite
 7 Statement.

8 **I. Recitals**

9 On May 6, 2016, Plaintiff filed a complaint in the above-entitled action in the
 10 Superior Court for the State of California, County of Sonoma ("Complaint").

11 On June 10, 2016, Defendant removed the action to the United States District
 12 Court for the Northern District of California. (Docket No. 1)

13 On June 17, 2016, Defendant filed a Motion for More Definite Statement,
 14 which is scheduled to be heard on September 22, 2016. (Docket Nos. 7 and 19)

15 On June 21, 2016, the Court set the Initial Case Management Conference on
 16 September 21, 2016. (Docket No. 11)

17 On June 30, 2016, Plaintiff filed a Motion to Remand, which was scheduled
 18 to be heard on August 25, 2016. (Docket Nos. 12 and 19)

19 On August 18, 2016, the Court vacated the August 25, 2016 hearing on
 20 Plaintiff's Motion to Remand. (Docket No. 23)

21 The Parties have not sought any prior continuances of the Initial Case
 22 Management Conference or related deadlines.

23 **II. Grounds for Stipulation**

24 The Parties have met and conferred and agree that a continuance of the
 25 currently scheduled Initial Case Management Conference on September 21, 2016 to
 26 a date after the Court issues its rulings on the pending Motion to Remand and
 27 Motion for More Definitive Statement, which is presently scheduled to be heard on
 28

September 22, 2016, will permit more efficient case management, will serve the interests of judicial economy and will conserve party resources.

Specifically, the rulings on the pending motions are determinative and will govern further proceedings in this matter. A ruling as to the appropriate forum raised by the Motion to Remand and a ruling on the certainty of the pleadings raised by the Motion for More Definite Statement are necessary before the Parties may engage in meaningful discussions required by Rule 26(f) and prepare a joint report under Rule 16. Therefore, the Parties seek to continue the Initial Case Management Conference and related deadlines pending the Court's rulings on said motions so they may have sufficient time to fully comply with the requirements of Rule 16.

The Parties further agree that it is in the interests of efficient case management to continue pending deadlines under Civil Local Rule 16.8 and ADR Local Rule 3-5 to conform to the date of the continued Initial Case Management Conference.

III. Stipulation

Based on the foregoing, the Parties, by and through their respective counsel of record, hereby stipulate and agree that:

1. The September 21, 2016 Initial Case Management Conference shall be continued to a date no earlier than November 9, 2106 or another date thereafter that is convenient for this Court;
2. The deadline for the parties to file a Case Management Statement shall be seven (7) days prior to the date of the continued Initial Case Management Conference; and
3. Compliance with the procedures under Civil Local Rule 16-8 and ADR Local Rule 3-5 shall be governed by the date of the continued Case Management Conference.

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SEDGWICK LLP

Maria J. Giardina
Attorneys for Defendant
BARRY-WEHMILLER DESIGN
GROUP, INC.

SHARTSIS FRIESE LLP

Joel Zeldin
Attorneys for Plaintiff
REDWOOD HILL FARM &
CREAMERY, INC.

IT IS FURTHERED ORDERED that the Case Management Conference be
continued to November 16, 2016.

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

I, Maria J. Giardina, attest that concurrence in the filing of this Stipulation to Continue the Initial Case Management Conference and Other Pleading Deadlines (L.R. 6-2(a)) has been obtained from the other signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30th day of August, 2016, in San Francisco, California.

SEDGWICK LLP

By: /s/ Maria J. Giardina
Maria J. Giardina
Attorneys for Defendant
BARRY-WEHMILLER DESIGN
GROUP, INC.

Sedgwick^{LLP}